

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:	
SHA-HEED RAHMAN,	:
	:
Plaintiff,	:
	:
-against-	23-CV-8168 (VSB)
	:
NYC DEPARTMENT OF CORRECTION	<u>ORDER</u>
CAPTAIN BOLANOS, <i>et al.</i> ,	<u>ORDER OF REFERENCE</u>
	:
Defendants.	:
	:
----- X	

VERNON S. BRODERICK, United States District Judge:

Plaintiff Sha-Heed Rahman filed this action pro se on September 14, 2023. (Doc. 1.)

Plaintiff alleges that while he was incarcerated at the Otis Bantum Correctional Facility on Rikers Island, Defendants caused him to experience subpar conditions of confinement, used excessive force against him, and denied him medical care during the months of July and August 2023. (*See id.*) On April 22, 2024, the case was assigned to me, and I issued an order of service on April 29, 2024. (Doc. 11.) Defendants filed a motion to dismiss the complaint on September 9, 2024. (Doc. 23.)

On September 18, 2024, Plaintiff filed an Amended Complaint. (Doc. 26.) Plaintiff also attached a letter to his filing, requesting that the Court issue an order pursuant to *Valentin v. Dinkins*, 121 F.3d 72, 76 (2d Cir. 1997), that Defendants assist in identifying Defendants Officer Ascensceau, Captain Jane Doe, and John/Jane Doe Medical Staff. (Doc. 26 at 6.) Plaintiff also requested an extension of the deadline to effectuate service on these Defendants, and requested that the Amended Complaint be deemed the operative complaint. (*Id.*) I note that Plaintiff provided similar descriptions of the three Defendants that have not been served in letters dated June 18, 2024, (Docs. 15–16), and counsel for Defendants had been unable to identify them,

(Doc. 19).

Accordingly, it is hereby:

ORDERED that Plaintiff's request to amend his complaint is GRANTED. The Amended Complaint, (Doc. 26), is the operative complaint in this case.

IT IS FURTHER ORDERED that, by November 22, 2024, Defendants file a letter explaining whether they wish to renew their motion to dismiss against the Amended Complaint, or whether they wish to file an additional motion to dismiss the Amended Complaint. The letter shall also respond, to the extent possible, to Plaintiff's descriptions of the Defendants that have not been served.

IT IS FURTHER ORDERED that the deadline for Plaintiff to effectuate service on Defendants Officer Ascensceau, Captain Jane Doe, and John/Jane Doe Medical Staff shall be extended to January 31, 2025.

IT IS FURTHER ORDERED that this action is referred to Magistrate Judge Tarnofsky for General Pretrial purposes. The parties are advised that they may consent to Judge Tarnofsky's jurisdiction to preside over this case by filing form AO85, available at <https://www.uscourts.gov/sites/default/files/ao085.pdf>.

The Clerk of Court is respectfully directed to mail a copy of this order to Plaintiff at the address on file.

SO ORDERED.

Dated: October 25, 2024
New York, New York


Vernon S. Broderick
United States District Judge